

EXHIBIT B

ANDERSON KILL P.C.

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By Hand Delivery

March 26, 2019

Clerk of the Court, Ruby J. Krajick
United States District Court
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, New York 10007

Re: *Marinella Hemenway, et al. v. Islamic Republic of Iran*
Case Number: 1:18-cv-12277 (GBD) (SN); RE: Service

Dear Clerk of the Court, Ruby J. Krajick:

I represent the Plaintiffs in the above-referenced action.

I am writing to request you effect service on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs
Ministry of Foreign Affairs of the Islamic Republic of Iran
Iman Khomeini Avenue
Tehran, Iran
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).¹ See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010).

On February 20, 2019, Plaintiffs, through the Clerk of the Court, attempted to serve Defendant pursuant to the provision to 28 U.S.C. §1608(a)(3). Annexed hereto as **Exhibit 1**, is a copy of the certificate of mailing.

As of Tuesday, March 26, 2019, over thirty (30) days passed since the certificate of mailing has been issued and service had not been able to be completed

¹ Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Anderson Kill P.C.

March 26, 2019

Page 2

under 28 U.S.C. § 1608(a)(3). A return receipt has not been received by the Clerk's Office. Annexed hereto as **Exhibit 2**, is a true and correct copy of the USPS tracking information of the package sent by the Clerk of the Court indicating that serve has not been made. .

Accordingly please serve Defendant pursuant to 28 U.S.C. §1608(a)(4) at the following address:

U.S. Department of State
SA-29, 4th Floor, 2201 C Street NW
Washington, DC 20520.
Attn: Secretary of State, Director of Consular Services, Office of Policy
Review and Inter-Agency Liaison (CA/OCS/PRI)

Enclosed please find copies of the following documents:

1. Summons.
2. Complaint deemed filed on December 28, 2018.
3. Civil Cover Sheet.
4. Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 U.S.C. 1330.
5. Affidavit of translator (along with translations of the above documents)².

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's Foreign Mailing Instructions we are providing two sets for service on Defendant and a set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the address above. Please note that our firm FedEx account number is 628354049.

We further enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

Regards,



Jerry S. Goldman

Enclosures

² The affidavit of the translator comports with the requirements of NY CPLR 2101(b).

EXHIBIT 1

3/26/2019

USPS.com® - USPS Tracking® Results

USPS Tracking®FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** RB596317555US

Remove X

Your item departed a transfer airport in IMAM KHOMEINI AIRPORT, TEHRAN, IRAN ISLAMIC REPUBLIC OF on March 21, 2019 at 12:38 am. The item is currently in transit to the destination.

In-Transit

March 21, 2019 at 12:38 am

Departed

TEHRAN, IRAN ISLAMIC REPUBLIC OF

Get Updates ▼

Feedback

Text & Email Updates**Tracking History****Product Information****See Less ^****Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

EXHIBIT 2

Case 1:18-cv-12277-GBD-SN Document 10 Filed 02/21/19 Page 1 of 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Hemenway, et al.

v.

Islamic Republic of Iran

DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

CERTIFICATE OF MAILING

Case No.: 1:18-cv-12277 (GBD)(SN)

I hereby certify under the penalties of perjury that on the 20 day of February, 2019, I served:
H.E. Mohammad Javad Zarif, Minister of Foreign Affairs, Ministry of Foreign Affairs of the
Islamic Republic of Iran, Imam Khomeini Avenue, Tehran, Iran

☐ the individual of the foreign state, pursuant to the provisions of FRCP 4(f)(2)(c)(ii).

☒ the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign
Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).

☐ the Secretary of State, Attn: Director of Consular Services, Office of Policy Review and
Inter-Agency Liaison (CA/OCS/PRI), U.S. Department of State, SA-29, 4th Floor, 2201 C Street NW,
Washington, DC 20520, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C.
§ 1608(a)(4).

☐ the head of the agency or instrumentality of the foreign state, pursuant to the provisions
of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(b)(3)(B).

1 copy(ies) of the Summons, Complaint, Civil Cover Sheet, Notice of suit prepared
in accordance with 22 CF §93.2 with a copy of 28 U.S.C. 1330, affidavit of translator (along with
translations of the above documents)

by USPS Reg. Mail No. RB596317555US.

Dated: New York, New York
02/21/2019

RUBY J. KRAJICK
CLERK OF COURT

Melina Roberts
DEPUTY CLERK

Case 1:18-cv-12277-GBD-SN Document 10 Filed 02/21/19 Page 2 of 2

First-Class	1	\$15.77
Intl		
Large Envelope		
(International)		
(Iran)		
(Weight: 1 Lb 5.00 Oz)		
(Customs #: LA320892605US)	1	\$4.10
Return		
Receipt	1	\$16.00
Registered		
(Amount: \$0.00)		
(USPS Registered Mail #)		
(RB396317659US)		